IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.704 OF 2007

Maharashtra Wine Merchants Association ...Petitioner.

V/s

The State of Maharashtra and Ors. ...Respondents

Mr. E. Kotwal with Mr. D.B. Savant i/b Mr. S. Patil for the Petitioner.

Ms. V. Mhaispurkar, AGP for respondents - State.

WITH
WRIT PETITION NO.705 OF 2007

Indian Hotel and Restaurant Association ...Petitioner.

V/s

The State of Maharashtra and Ors. ...Respondents

Mr. E. Kotwal with Mr. D.B. Savant i/b Mr. S. Patil for the Petitioner.

Ms. V. Mhaispurkar, AGP for respondents - State.

CORAM: S.J. VAZIFDAR, J.
DATE : 31st January, 2007

P.C.:

1. It is not possible for me to grant any relief in these Writ Petitions. The impugned order was passed by the authorities on the basis of the Bombay Prohibition Act, 1949, the

provisions whereof, indeed, cannot be challenged in the present Writ Petitions. Mr. Kotwal, the learned Counsel appearing on behalf of the Petitioner relied upon an order of the Division Bench of this Court dated 7th September, 1999. The Division Bench issued rule and granted certain interim orders. Those were Petitions filed under Article 226 of the Constitution of India. Those Petitions are not before me. Even assuming that the relief can be granted in a Petition challenging the vires of any of the provisions of the said Act, the same can only be in a Petition under Article 226 of the Constitution of India.

2. Accordingly, Writ Petitions are dismissed. Needless to add that they are dismissed on the ground of maintainability and the merits of the contentions have not been considered.